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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,116	02/28/2005	Martin Vossiek	S1-02P13106	8531
24131	7590	07/10/2007		
LERNER GREENBERG STEMER LLP			EXAMINER	
P O BOX 2480			BROWN, VERNAL U	
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			ART UNIT	PAPER NUMBER
			2612	
			MAIL DATE	DELIVERY MODE
			07/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/526,116

Applicant(s)

VOSSIEK, MARTIN

Examiner

Vernal U. Brown

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/28/05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08) ✓
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The application of Martin Vossiek filed 2/28/2005 for Backscatter Transponder In an Energetically Self-Sufficient has been examined. Claims 12-24 are pending.

Specification

The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12-16 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Heinrich et al. US Patent 5606323.

Regarding claims 12 and 24, Heinrich et al. teaches a n antenna for producing an alternating quantity from the ambient energy produce by the interrogating signal and the alternating signal is rectified by the rectifier circuit for powering the transponder circuitry (col. 3 lines 48-52) and teaches modulating and backscattering the received signal to the base station (col. 3 lines 22- 32).

Regarding claims 13 and 15, Heinrich et al. teaches antenna (10) is use to backscatter the RF signal (electromagnetic signal) and is therefore considered a reflector (col. 3 lines 23-26).

Regarding claim 14, Heinrich et al. teaches reflecting high frequency signal (col. 3 lines 35-38).

Regarding claim 16, Heinrich et al. teaches the device is configured as a backscatter transponder (col. 3 lines 22- 32).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heinrich et al. US Patent 5606323 in view of Ko et al. US Patent 6438193.

Regarding claims 17-20, Heinrich et al. teaches a n antenna for producing an alternating quantity from the ambient energy produce by the interrogating signal and the alternating signal is rectified by the rectifier circuit for powering the transponder circuitry (col. 3 lines 48-52) but is silent on teaching the device is configured to measure a measured quantity and the ambient energy is converted into alternating quantity based on the measured quantity. Ko et al. in an art related invention teaches a transponder device configured to measure the number of revolution using counting circuit (col. 8 lines 1-5) and the converting of the ambient energy into alternating quantity is dependent on the measured quantity because the energy signal created is base on the

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revolution (col. 8 lines 31-37). Ko et al. also teaches a piezo electric element use to crease an energy pulse (col. 8 lines 31-33) and therefore influence the measured quantity.

It would have been obvious to one of ordinary skill in the art to modify the system of Heinrich et al. as disclosed by Ko et al. because the device is configured to measure a measured quantity and the ambient energy is converted into alternating quantity based on the measured quantity allows a transponder device to perform measurement and derive its power from measured quantity.

Regarding claims 21-23, Heinrich et al. teaches a n antenna for producing an alternating quantity from the ambient energy produce by the interrogating signal and the alternating signal is rectified by the rectifier circuit for powering the transponder circuitry (col. 3 lines 48-52) but is silent on teaching means for generating a second alternating quantity and the first and second alternating quantity is derived from splitting an original alternating quantity into a first and second alternating quantity. Ko et al. in an art related invention teaches a piezo element producing an oscillation that is converted in to a first alternating quantity by power circuit (450) for power the device and a second alternating quantity in the form of a pulse for counting the revolution (col. 8 lines 31-39, col. 8 line 55-col. 9 line 15).

It would have been obvious to one of ordinary skill in the art to modify the system of Heinrich et al. as disclosed by Ko et al. because the damped oscillation produced by the piezo element is used to provide energy to the transponder and enables the measurement of a quantity such as the counting of the revolution of a tire.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U. Brown whose telephone number is 571-272-3060. The examiner can normally be reached on 8:30-7:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman can be reached on 571-272-3059. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Vernal Brown
July 2, 2007


EDWIN C. HOLLOWAY III
PRIMARY EXAMINER